

SUBCHAPTER B—PAYMENT PROCEDURES

PART 130—ADVANCE OF FUNDS

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Subparts A–C [Reserved]

Subpart D—Advance Right-of-Way Revolving Funds

AUTHORITY: 23 U.S.C. 108(c); 23 U.S.C. 315; and 49 CFR 1.48(b).

SOURCE: 41 FR 27962, July 8, 1976, unless otherwise noted.

§ 130.401 Purpose.

To prescribe procedures and accounting requirements for advances from the right-of-way revolving fund.

§ 130.403 Request for advance.

Subsequent to obligations of funds in accordance with 23 CFR part 712, subpart G, a State desiring an advance of right-of-way revolving funds shall submit a letter of request to the Division Administrator. This letter shall include the following:

- (a) Project numbers.
- (b) Amount of advance per project required to:
 - (1) Meet estimated needs for next 90 days, after deducting property management income for the current period, or
 - (2) Pay grantors based on net recorded liabilities or net actual disbursements after deduction of any property management income.
- (c) A statement that includes the following:

- (1) Advance will be disbursed in accordance with provisions of 23 U.S.C. 108(c).

- (2) When advance is commingled with other funds, controls that will permit FHWA audit of the advance will be provided.

(3) Interest earned on the advance will be paid promptly to FHWA.

[41 FR 27962, July 8, 1976, as amended at 43 FR 5514, Feb. 9, 1978]

§ 130.405 Reports and audits.

(a) Each month any State utilizing the procedures under § 130.403(b) shall submit to the Division Administrator for transmittal to the Regional Office a Statement showing:

(1) The date and amount of advances received, by project.

(2) Total expenditures through the 15th of the month, by project. The statement of advance and expenditures shall be forwarded promptly to insure receipt by the Regional Office by the 20th day of each month.

(b) The Division Administrator shall arrange for such periodic audit of the advance accounts as will determine compliance with the provisions of this regulation.

§ 130.407 Repayment.

The State is required to repay the total amount of advance on a project as follows:

(a) Immediately upon termination of the period of time within which actual construction must be commenced (10 years following the end of the fiscal year in which the Secretary approves such advance of funds, unless the Secretary provides for an earlier or later termination date), or

(b) Upon approval by FHWA of the plans, specifications, and estimates for such project for the actual construction on the rights-of-way for which funds were advanced, or

(c) When a project funded from the right-of-way revolving fund is withdrawn or is converted to a regular Federal-aid project.

§ 130.409 Method of repayment.

(a) If a project is terminated by expiration of the period of time within which actual construction must be commenced or by withdrawal, the State shall repay the amounts advanced for the project by check drawn to the order of the "Federal Highway

Administration.” Any net income remaining from property management activities shall be repaid by separate check.

(b) When a right-of-way project is converted to a regularly funded Federal-aid right-of-way project, full repayment will be made by check as in paragraph (a) of this section. Any net income remaining from property management activities may be shown as a previous payment on the first voucher submission on the regularly funded project or repaid by check as in paragraph (a) of this section.

(c) Any cash remaining to the credit of an active right-of-way revolving fund project for which no further expenditures are anticipated shall be remitted to the Federal Highway Administration. Separate checks for amounts advanced and for net income from property management are required as in paragraph (a) of this section.

[41 FR 27962, July 8, 1976, as amended at 43 FR 5514, Feb. 9, 1978]

PART 140—REIMBURSEMENT

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